



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re the Application of:

Chagovetz, Alexander Michael

Serial No.: 09/886,313

Filed: June 21, 2001

Atty. File No.: 46641-01010

For: "METHOD FOR REAL-TIME
DETECTION AND QUANTIFICATION
OF NUCLEIC ACID SEQUENCES
USING FLUORESCENT PRIMERS"

) Group Art Unit: 1637

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) Examiner: Cynthia B. Wilder

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) ELECTION AND RESPONSE TO

) RESTRICTION REQUIREMENT

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE IN AN
ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231 ON APRIL 10, 2002.

HOLME ROBERTS & OWEN LLP

BY:

Rebecca L. Wilson

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir/Madam:

In response to the Restriction Requirement mailed February 10, 2003, please enter the Applicant's election and response to the restriction requirement and the following preliminary amendment:

1. Pursuant to 35 U.S. 121, and in response to the restriction requirement, the Applicant provisionally elects the Group I invention identified by the Examiner, including Claims 1-17, drawn to a method for detecting a nucleic acid target, classified in class 435, subclass 91.1, for examination. Applicant further cancels Group II - Claim 18, drawn to a method for forming a primer pair, classified in class 435, subclass 6, subject however to reinstatement in the event the restriction requirement is withdrawn or overruled.

2. Applicant also traverses the restriction requirement on grounds that Group I and Group II are closely related. As provided in MPEP 803, second paragraph, search and examination of entire application can be made without serious burden.

To the extent any fees are due in connection with this response, Applicant requests that they be withdrawn from deposit account no. 08-2665.

Respectfully Submitted,
HOLME ROBERTS & OWEN LLP

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Date: April 10, 2003